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AMENDED IN SENATE JUNE 28, 2016

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AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2350

Introduced by Assembly Member O'Donnell

February 18, 2016

An act to amend Section 44253.2 of, and to add ~~Article 5.5 (commencing with Section 60080) to Chapter 1 of Part 33 of Division 4 of Title 2 of, Sections 60811.6 and 60811.8 to~~, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, as amended, O'Donnell. English learners.

Existing law requires the State Board of Education to adopt curriculum frameworks and evaluation criteria that are aligned to specified content standards for English language arts on or before July 30, 2014.

This bill would define the terms “designated English language development” and “integrated English language development” for purposes of the English Language Arts/English Development Framework adopted by the state board, as specified. The bill would specify that, except as provided, a middle or high school pupil who is enrolled in an English language development course or is classified as an English learner shall not be prevented from enrolling in specified

other courses required for graduation, *middle school* grade promotion, or meeting specified college admission standards. ~~The bill would require English language development courses designed for long-term English learners to be sufficiently rigorous to confer credit in English language arts necessary for grade promotion or graduation and would require credit to be conferred for those courses.~~ *standards, as applicable.* By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

Existing law authorizes the Commission on Teacher Credentialing to issue an authorization to teach specially designed content instruction delivered in English, as defined, to English learner pupils.

This bill would revise the definition of “specially designed content instruction delivered in English” for purposes of specified teacher credentialing provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is home to the largest population of English
- 4 learners in the country, and one in three English learners in the
- 5 United States resides in California.
- 6 (b) There are approximately 1.4 million English learners in
- 7 California public schools. About 2.7 million pupils speak a
- 8 language other than English in their homes, representing about 43
- 9 percent of the state’s public school enrollment.
- 10 (c) California’s English learner pupils score substantially lower
- 11 on state assessments than non-English learner pupils. While there
- 12 has been incremental growth in achievement among pupils in the
- 13 general population, scores for English learners have largely

1 remained static, widening the achievement gap between English
2 learners and their peers over time.

3 (d) On the 2015 administration of the California Assessment of
4 Student Performance, 11 percent of English learners in all grades
5 met or exceeded standards in English language arts/literacy and
6 11 percent in math, compared with 69 percent and 55 percent for
7 those subjects, respectively, for pupils proficient in English.

8 (e) The English Language Arts/English Language Development
9 Framework adopted by the State Board of Education in 2014
10 represents an important state endorsement of the use of both
11 designated English language development and the integration of
12 English language development across the curriculum. This
13 combined approach will require major changes in teaching and
14 learning for all pupils, including English learners, and there is a
15 need for training for, and technical assistance to, teachers and
16 administrators on implementing these instructional reforms.

17 (f) Recent research has found that English learners are less likely
18 than non-English learners to be enrolled in core academic subject
19 courses and, as a result, earn fewer credits than non-English learner
20 pupils. Research has further found that limited access to English
21 language arts is largely due to English language development
22 classes being used as substitutes for, rather than complements to,
23 English language arts, and due to the enrollment of elementary
24 and secondary English learners in intervention classes for English
25 language arts and math that are not designed for English learners'
26 language and academic needs.

27 (g) Graduation rates for English learners are lower than for the
28 general population and for other subgroups of pupils. According
29 to the State Department of Education, the overall 2013–14
30 four-year cohort graduation rate was 81 percent, while the rate for
31 English learners was 65 percent, the lowest of any subgroup besides
32 pupils in special education. The dropout rate for English learners,
33 at 21 percent, was the highest of any subgroup.

34 (h) English language development classes aligned to the state
35 English Language Development standards are designed to give
36 access to core academic subjects while developing English
37 proficiency, and are part of the academic core for English learners.

38 (i) There are many options for addressing the issues of access
39 and course offerings for English Learners in middle and high
40 school.

SEC. 2. Section 44253.2 of the Education Code is amended to read:

44253.2. For purposes of this chapter, the following terms shall have the following meanings, unless the context otherwise requires:

(a) “Instruction for English language development” means instruction designed specifically for English learner pupils to develop their listening, speaking, reading, and writing skills in English.

(b) “Specially designed content instruction delivered in English” or “specially designed academic instruction in English” means instruction in a subject area, delivered in English, that is specially designed to meet the needs of English learner pupils, and the focus of which is on instruction of the state academic content standards and on increasing the comprehensibility of academic content in courses normally provided to fluent-English-proficient and English-only pupils.

(c) “Content instruction delivered in the primary language” means instruction in a subject area delivered in the primary language of the pupil.

(d) “Instruction for primary language development” means instruction designed to develop a pupil’s listening, speaking, reading, and writing skills in the primary language of the pupil.

(e) “Culture and cultural diversity” means an understanding of human relations, including the following:

- (1) The nature and content of culture.
- (2) Cross-cultural contact and interactions.
- (3) Cultural diversity in the United States and California.
- (4) Approaches to providing instruction responsive to the diversity of the pupil population.
- (5) Recognizing and responding to behavior related to bias based on the characteristics listed in Section 220.
- (6) Techniques for the peaceful resolution of conflict.

~~SEC. 3. Article 5.5 (commencing with Section 60080) is added to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education Code, to read:~~

~~Article 5.5. English Learners~~

~~60080. (a) The English Language Arts/English Language Development Framework adopted by the state board pursuant to~~

1 Section 60207 states that English learners at all English proficiency
2 levels and at all ages require a comprehensive program of English
3 language development that includes both integrated English
4 language development and specialized attention to their particular
5 language learning needs, otherwise known as designated English
6 language development, as part of their daily curriculum.

7 (b) The following definitions shall apply to the English
8 Language Arts/English Language Development Framework
9 referenced in subdivision (a):

10 (1) “Designated English language development” means
11 instruction designed for English learners according to their level
12 of English proficiency to overcome language barriers in a
13 reasonable amount of time, during a protected time in the regular
14 schoolday, in which teachers use the California English Language
15 Development Standards as the focal standards in ways that build
16 into and from content instruction in order to develop the critical
17 language that English learners need for content learning in English.

18 (2) “Integrated English language development” means
19 instruction in which all teachers with English learners in their
20 classrooms, regardless of the course content, use the California
21 English Language Development Standards in tandem with the
22 California state standards.

23 60081. (a) A middle or high school pupil who is enrolled in
24 an English language development course or who is classified as
25 an English learner shall not be prevented from doing either of the
26 following:

27 (1) Enrolling in core curriculum courses in English language
28 arts or any other course required for graduation, grade promotion,
29 or meeting the a-g subject requirements for admission to the
30 University of California or the California State University.

31 (2) Taking a full course load in core subjects required for
32 graduation, grade promotion, or meeting the a-g subject
33 requirements for admission to the University of California or the
34 California State University.

35 (b) (1) Subdivision (a) shall not apply to a pupil participating
36 in a program designed to meet the academic and transitional needs
37 of newly arrived immigrants unless the pupil meets the local
38 educational agency’s exit criteria for transition into a general
39 education program.

~~(2) The department may provide guidance on the implementation of this subdivision.~~

~~60082. If a local educational agency offers an English language development course designed for long-term English learners, the course shall be sufficiently rigorous to confer credit and shall confer credit in English language arts necessary to meet grade promotion or graduation requirements. It is the intent of the Legislature that local educational agencies submit those courses to the University of California for approval to meet the subject matter requirements for purposes of recognition for college admission pursuant to Section 66205.5.~~

SEC. 3. Section 60811.6 is added to the Education Code, to read:

60811.6. (a) The English Language Arts/English Language Development Framework adopted by the state board pursuant to Section 60207 states that English learners at all English proficiency levels and at all ages require a comprehensive program of English language development that includes both integrated English language development and specialized attention to their particular language learning needs, otherwise known as designated English language development, as part of their daily curriculum.

(b) The following definitions shall apply to the English Language Arts/English Language Development Framework referenced in subdivision (a):

(1) "Designated English language development" means instruction designed for English learners according to their level of English proficiency to overcome language barriers in a reasonable amount of time, during a protected time in the regular schoolday, in which teachers use the California English Language Development Standards as the focal standards in ways that build into and from content instruction in order to develop the critical language that English learners need for content learning in English.

(2) "Integrated English language development" means instruction in which all teachers with English learners in their classrooms, regardless of the course content, use the California English Language Development Standards in tandem with the California state standards.

SEC. 4. Section 60811.8 is added to the Education Code, to read:

1 60811.8. (a) A middle or high school pupil who is enrolled in
2 an English language development course or who is classified as
3 an English learner shall not be prevented from doing either of the
4 following:

5 (1) Enrolling in core curriculum courses in English language
6 arts or any other course required for graduation, middle school
7 grade promotion, or meeting the subject matter requirements for
8 purposes of recognition for college admission pursuant to Section
9 66205.5, as applicable.

10 (2) Taking a full course load in core subjects required for
11 graduation, middle school grade promotion, or meeting the subject
12 matter requirements for purposes of recognition for college
13 admission pursuant to Section 66205.5, as applicable.

14 (b) (1) Subdivision (a) shall not apply to a pupil participating
15 in a program designed to meet the academic and transitional needs
16 of newly arrived immigrants unless the pupil meets the local
17 educational agency's exit criteria for transition into a general
18 education program.

19 (2) The department may provide guidance on the implementation
20 of this subdivision.

21 ~~SEC. 4.~~

22 SEC. 5. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.